

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANN MARIE GILLUM,)	
)	
Plaintiff)	
)	No. 3:15-0097
v.)	Judge Crenshaw/Bryant
)	Jury Demand
HARRIS-TEETER, LLC,)	
)	
Defendant)	

TO: THE HONORABLE WAVERLY CRENSHAW, JR.

REPORT AND RECOMMENDATION

On March 22, 2016, the Court granted the motion of Andy L. Allman for leave to withdraw as counsel for Plaintiff Gillum (Docket Entry No. 32). This order granted Plaintiff 30 days within which to retain new counsel. Since the date of this order, no new counsel has appeared on behalf of Plaintiff.

Earlier, on February 5, 2016, Defendant Harris-Teeter filed its motion to dismiss this case because of Plaintiff's failure to prosecute (Docket Entry No. 20). As grounds for this motion, Defendant cited Plaintiff's failure to appear for her scheduled discovery deposition and her delay in supplementing her responses to written interrogatories.

On May 17, 2016, the undersigned Magistrate Judge entered an order requiring Plaintiff Gillum to show cause by June 1, 2016, why this case should not be dismissed for her failure to prosecute (Docket Entry No. 36). This order expressly admonished Plaintiff

that if she failed to respond her failure may cause the undersigned Magistrate Judge to recommend that her complaint be dismissed. Despite this admonition, Plaintiff has failed to respond to this order to show cause.

For the reasons stated above, the undersigned finds that the complaint in this action should be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for Plaintiff's failure to prosecute.

RECOMMENDATION

For the reasons stated above, the undersigned recommends that the complaint be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

ENTER this 10th day of June, 2016.

/s/ John S. Bryant
JOHN S. BRYANT
United States Magistrate Judge